

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**

9 EASTERN DISTRICT OF CALIFORNIA

10
11 DENNIS CAPPS,

12 Petitioner,

13 v.

14 CIOLLI,

15 Respondent.

16 Case No. 1:20-cv-00766-AWI-SAB-HC

17 ORDER DENYING AS MOOT
18 PETITIONER'S MOTION FOR
19 DOCUMENTS

20 (ECF No. 19)

21 Petitioner is a federal prisoner proceeding pro se with a petition for writ of habeas corpus
22 pursuant to 28 U.S.C. § 2241.

23 On August 4, 2021, the undersigned issued findings and recommendation recommending
24 denial of Respondent's motion to dismiss. (ECF No. 17). The findings and recommendation
25 provided that any objections were to be filed within fourteen days. On August 16, 2021,
26 Respondent filed timely objections. (ECF No. 18).

27 On August 23, 2021, the Court received the instant request from Petitioner for the Clerk's
28 Office to send him a copy of the reply to the opposition to the motion to dismiss. (ECF No. 19).
Petitioner contends that he never received the reply when it was originally filed. Petitioner
argues that obtaining the reply will allow him to "exercise his rights" because otherwise "it will
be impossible for Petitioner to file a reply if Respondent files an objection" given Petitioner's
concern that he will not receive a copy of the objection.

1 On August 26, 2021, the Court received Petitioner's reply to Respondent's objections.
2 (ECF No. 20). Therein, Petitioner specifically replies to arguments raised in Respondent's
3 objections. As Petitioner received Respondent's objections and was able to file a reply, the Court
4 finds that the basis of Petitioner's request for a copy of the reply is moot.

5 Accordingly, Petitioner's motion for documents (ECF No. 19) is DENIED.

6
7 IT IS SO ORDERED.

8 Dated: August 27, 2021


UNITED STATES MAGISTRATE JUDGE

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28